

DOCKET NO. D-1974-057 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Village of Deposit

Wastewater Treatment Facilities

Village of Deposit, Broome and Delaware Counties, New York

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by the Village of Deposit (VD or docket holder) on May 14, 2012 (Application), for renewal of an existing wastewater treatment plant (WWTP) discharge. State Pollutant Discharge Elimination System (SPDES) Permit No. NY0029211 for this project was issued by the New York State Department of Environmental Conservation (NYSDEC) on May 1, 2011.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Broome and Delaware County Planning Boards have been notified of pending action. A public hearing on this project was held by the DRBC on July 11, 2012.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to approve the existing 0.7 million gallons per day (mgd) VD WWTP and its related discharge.
- 2. Location.** The existing WWTP will continue to discharge treated domestic wastewater to the West Branch Delaware River at River Mile 330.71 – 14.5 (Delaware River – West Branch Delaware River) via Outfall No. 001. The discharge is located in the drainage area to the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters (SPW), in the Village of Deposit, Broome County, New York as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	42° 03' 26"	75° 25' 26"

3. **Area Served.** The existing WWTP will continue to serve the Village of Deposit and a portion of the Town of Deposit, located in Broome and Delaware Counties, New York. The WWTP also accepts domestic septage from haulers from both within and outside of the Service Area.

For the purpose of defining the Area Served, sections B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder operates the existing 0.7 mgd VD WWTP.

b. **Facilities.** The existing WWTP consists of a spiral screen, comminutors, an aerated grit chamber, two (2) multi-zone aeration/clarification tanks, two (2) secondary clarifiers, an aerobic digester, belt filter press, a sludge processing tank, and an ultraviolet disinfection unit.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. The docket holder's WWTP has a generator installed capable of providing emergency power supply.

The docket holder's wastewater treatment facility is not staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The docket holder's WWTP has a remote alarm system that continuously monitors plant operations.

The docket holder's existing wastewater treatment facility has prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements.

Portions of the VD WWTP are located within the 100-year flood fringe. All facilities located within the flood fringe have been flood-proofed to at least one (1) foot above the 100-year flood elevation as is required by the Commission's *Flood Plain Regulations (FPR)*.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. **Water withdrawals.** The potable water supply in the project service area is provided by the docket holder's distribution system. The groundwater wells associated with this system are described in detail in Docket No. D-1999-064 CP-2, which was approved by the Commission on March 7, 2012.

d. **SPDES Permit / DRBC Docket.** SPDES Permit No. NY0029211 was issued by the NYSDEC on May 1, 2011 and includes effluent limitations for the project discharge of 0.7

mgd to surface waters classified by the NYSDEC as a Trout Maintenance and Propagation Stream [B(T)]. The following average monthly effluent limits are among those listed in the SPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in SPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by SPDES Permit
Total Suspended Solids	30 mg/l	As required by SPDES Permit
Dissolved Oxygen	4.0 mg/l (minimum at all times)	As required by SPDES Permit
BOD (5-Day at 20° C)	30 mg/l (85% minimum removal*)	As required by SPDES Permit
Ammonia Nitrogen	12 mg/l	As required by SPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by SPDES Permit

* DRBC Requirement

EFFLUENT TABLE A-2: DRBC parameters not included in SPDES permit

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	1,000 mg/l *	Quarterly**
Phosphorous*	Monitor & Report *	Monthly*
Nitrate + Nitrite as Nitrogen*	Monitor & Report *	Monthly*
Total Kjeldahl Nitrogen (TKN)*	Monitor & Report *	Monthly*

* DRBC Requirement

** See DECISION Condition II.r.

f. Relationship to the Comprehensive Plan. The 0.4 mgd VD WWTP was originally included in the Comprehensive Plan on October 30, 1974 via DRBC Docket No. D-74-57 CP. The expansion to 0.7 mgd was included in the Comprehensive Plan upon approval of Docket No. D-74-57 CP-2 on December 12, 2006. Approval of this docket will continue the 0.7 mgd VD WWTP in the Comprehensive Plan (See DECISION Condition I.c.).

B. FINDINGS

The purpose of this docket is to approve the existing 0.7 mgd VD WWTP and its related discharge.

The Commission approved Docket No. D-74-57 CP-2 on December 12, 2006, which included the expansion of the VD WWTP. Docket No. D-74-57 CP-2 expired on December 12, 2011. DECISION Condition II.u. of the docket required the docket holder to file an application for docket renewal at least 12 months prior to the expiration of the docket (by December 12, 2010). The docket holder did not submit an application for renewal of the docket until May 14, 2012, incurring a late filing fee of a renewal application in accordance with DRBC Resolution No. 2009-2.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area. (Upper/Middle SPW)

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program. (Upper/Middle SPW)

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does not entail additional construction and expansion of facilities/service area (i.e., there are not any new or increased non-point source loads associated with this approval), the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Condition II.n. has been included in this docket.

Near the project site, West Branch Delaware River has an estimated seven-day low flow with a recurrence interval of ten years of 34.3 mgd (53.1 cfs). The ratio of this low flow to the design capacity of the 0.7 mgd WWTP is 49 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the City of Easton, approximately 160 miles away on the Delaware River.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the SPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to meet the effluent requirements as set forth in the Commission's *WQR*.

C. DECISION

I. Effective on the approval date for Docket No. D-1974-057 CP-3 below:

- a. The project described in Docket No. D-74-57 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1974-057 CP-3; and
- b. Docket No D-74-57 CP-2 is terminated and replaced by Docket No. D-1974-057 CP-3; and
- c. The project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

- a. Docket approval is subject to all conditions, requirements, and limitations imposed by the NYSDEC in its SPDES permit and construction approval, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.
- b. The facility and operational records shall be available at all times for inspection by the DRBC.
- c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR*.
- d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.
- e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.
- f. If at any time the receiving treatment facilities prove unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F until stream temperatures reach 50°F, nor by more than 2°F when stream temperatures are between 50°F and 58°F, nor shall such discharge result in stream temperatures exceeding 58°F. (Trout Waters only)

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served section of this docket, which incorporates by reference sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

o. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

p. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive

Director's judgment such modification or suspension is required to protect the water resources of the Basin.

q. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

r. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

s. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

t. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED: July 11, 2012

EXPIRATION DATE: April 30, 2016